

TOWN OF NEWSTEAD
ZONING BOARD OF APPEALS
MINUTES of November 13, 2001

Present: Corky Keppler
Bill Kaufman
Ike Cummings
Scott Chaffee
Clark Killian
Don Folger, Code Enforcement Officer
Rebecca Baker, Recording Secretary

The public hearing to hear comments for or against the request to house 1 horse on the lot owned by Judith Miller located at 13588 Stage Rd. was opened at 7:00pm.

Pledge to the Flag was led by Chairman, Corky Keppler.

Clerk read proof of publication.

A letter from Robert Rausche was previously received and submitted to the board members.

Mrs. Miller informed the board that she was not aware that code called for two acres of land to house 1 horse. She was under the assumption that one acre was required. Mrs. Miller found the horse and it was starving at the time. Now, after 7 weeks, and according to the vet, the horse is in good health. She feels the horse is very mild mannered, and gentle. Mrs. Miller indicated that she has contacted a real estate agent regarding the lot next door to the east. If she must, she will purchase that lot. Mrs. Miller provided pictures of the lot to show that there is plenty of room.

Mike Rushok, 5144 Crittenden Rd. spoke against the variance. He feels there is not enough property. Mrs. Miller is already dumping manure on the adjacent lot. He objects to the flies and smells.

Richard Maybach, 13570 Stage Rd, also spoke against the variance. He is the next door neighbor, and his water well is located 60yds away from where Mrs. Miller is dumping the manure.

Don Holmes, 5078 Crittenden Rd. feels the variance should not be granted because the ordinance requires 2 acres minimum, and if the code is not adhered to, what is the purpose of having a zoning code. The better course to take is to change the ordinance.

Theresa Flynn, 13570 Stage Rd., voiced her objections to the variance. She has had to purchase a 1500' fence to separate her property from the barnyard next door. She mentioned that Mrs. Miller's barn is too close to the property line.

Carla Montante, 13577 Stage Rd. has had to call the police and the SPCA because the horse was on her property across the street.

Lorraine Giordanno, 5449 South Newstead, feels that this is a RA district and people should understand that means animals. She believes Mrs. Miller has taken good care of the horse and that he is very gentle. She believes that Mrs. Miller owns enough property to care for such an old horse.

Mrs. Miller spoke again to clarify a few issues. Mr. Maybach is not using his well for drinking water. He is hooked up to the public water. Since her well is spring fed, if anyone would have contamination problems, it would be her. Mrs. Miller stated that the barn/shed is moveable and if it is too close can be relocated.

There being no one to further speak, Ike motioned to close the hearing at 7:20pm, Scott seconded and all approved.

Discussion followed. Clark, Ike and Bill feel that the code is law, and the neighbor's complaints are not the issue. They do not want to set precedent regarding this matter. Scott also feels that the code is there for a reason but also feels the neighbors are too close. Scott motioned to deny the request, Bill seconded and all approved.

Bill motioned to adjourn the meeting at 7:25pm, Clark seconded and all approved.

Respectfully submitted,
Rebecca K. Baker,
Recording Secretary